

# Islam and Democracy

Kenton Machina

How shall Muslim people form nation-states in traditional Muslim regions while remaining faithful to Islam? Can Islam provide a guide that is relevant today? These vexed questions have been answered in many different ways in recent decades, and the answers sometimes have led to extreme violence and turmoil, revolutions and wars.

On the one hand, there are the “fundamentalists” or “Islamists” who argue that there is but one right way to go – faithful Muslims must create Islamic states that are ruled by Shari’ah law, with the Qur’an as constitution, for these are the law of God, and only in this way can God’s rule over humankind be properly recognized. Adherents to this view claim that this creates an ideal theocracy – a nation-state ruled directly by God, where God’s law is finally taken seriously. God has spoken through the Prophet, telling us quite clearly what the law should be, what God’s will for human beings is. In the words of Iran’s Islamic revolutionary fundamentalist leader, Khomeini, what then is needed in the state is “Islam, only Islam”. Critics claim this approach to government creates a monstrosity – a nation-state ruled by people who unjustifiably take it on themselves to claim to be speaking for God and who conveniently interpret the Shari’ah law to enhance their own complete power over everyone. Afghanistan under the Taliban is probably the best example for the critics to cite. While Taliban admirers thought the country became the best country in the world because of its strict adherence to an extreme version of Shari’ah as interpreted by the Talib, to many observers (Muslim and non-Muslim alike) the Talib appeared to be no more than thugs brutally throwing their weight around while continually claiming anyone standing in their way was standing against God.

On the other hand, there are many Muslim leaders who reject the fundamentalist approach, and who argue for an alternative model. It is not possible to accurately reproduce in a contemporary nation-state the model established by Muhammad, for he lived in a tribal culture, with no government, no police force, no citizenship. The changing structures in the early Islamic world after Muhammad also do not translate easily and directly into organizational principles for a nation-state, despite claims to the contrary by some fundamentalists. So what form of government should a contemporary Muslim favor? Perhaps a monarchy, with a faithful Muslim as king? Or a military dictatorship led by Muslims that can silence all opposition and bring unity to the people? Is there room for a democratic ideal in the Muslim world? These are hard questions that have been seriously debated only in the last decades. If the fundamentalist Islamist approach taken in Iran is to be rejected, what is to be put in its place? These are matters that contemporary Muslim intellectuals have been discussing, with some suggesting that democratic forms of governance are the best alternative to the strict Islamic state advocated by the fundamentalists.

Khaled el Fadl, professor of Islamic law at UCLA, and *former* Islamic fundamentalist, is one of those voices today arguing for the democratic alternative. He argues from within

an Islamic framework. That is, he addresses his arguments to fellow Muslims, using premises he believes they should accept. His aim is to show that Islam supports democracy as the best alternative in forming a modern nation-state. He therefore sets himself in direct opposition to the Islamist fundamentalist who argues that the only form of government for a Muslim country is theocracy, utilizing Shari'ah law. The material found below is a summary of his line of argument.<sup>1</sup>

We begin with his summary of the issue:

Democracy's moral power lies in the idea that the citizens of a nation are sovereign.... In a democracy, the people are the source of the law, and the law in turn ensures the fundamental rights that protect the well-being and interests of the individual members of the sovereignty.

For Islam, democracy poses a formidable challenge. Muslim jurists have argued that law made by a sovereign monarch is illegitimate because it substitutes human authority for God's sovereignty. But law made by sovereign citizens faces the same problem of legitimacy. In Islam, God is the only sovereign and the ultimate source of legitimate law. How, then, can a democratic conception of the people's authority be reconciled with an Islamic understanding of God's authority?<sup>2</sup>

In order to answer the final difficult question asked above, el Fadl argues that Muslims must look deeply into the basic principles of Islam, and they must look at what actually happens in a nation-state that tries to be an Islamic theocracy. If Muslims do this, he thinks they will discover that the best chance for a nation to live in the way God intended is not to try to establish a theocracy, but rather to let people try to figure out the best way to create a just society. Here is el Fadl's initial summary of his answer:

My answer begins from the premise that democracy and Islam are defined in the first instance by their underlying moral values and the attitudinal commitments of their adherents – not [p5] by the ways that those values and commitments have been applied. If we focus on those fundamental moral values, we will see that the tradition of Islamic political thought contains both interpretive and practical possibilities that can be developed into a democratic system. ... Muslims, for whom Islam is the authoritative frame of reference, can arrive at the

---

<sup>1</sup>All quotations are from Khaled Abou el Fadl, *Islam and the Challenge of Democracy*.

Ed. Joshua Cohen and Deborah Chasman. (Princeton University Press: Princeton and Oxford, 2004). The book also contains useful responses from both Muslim and non-Muslim scholars.

<sup>2</sup>Page 4.

conviction that democracy is an ethical good, and that the pursuit of this good does not require abandoning Islam.<sup>3</sup>

But, one might immediately respond, doesn't the Qur'an require a theocracy? Doesn't the Qur'an specify what the law should be? Doesn't this rule out democracy, in which the source of law is the people? El Fadl does not think so:

Although Muslim jurists debated political systems, the Qur'an itself does not specify a particular form of government. But it does identify a set of social and political values that are central to a Muslim polity. Three values are of particular importance: pursuing justice through social cooperation and mutual assistance (49:13, 11:119); establishing a nonautocratic, consultative method of governance; and institutionalizing mercy and compassion in social interactions (6:12, 6:54, 21:107, 27:77, 29:51, 45:20). So, all else being equal, Muslims today ought to endorse the form of government that is most effective in helping them promote these values.

Several considerations suggest that democracy – and especially a constitutional democracy that protects basic individual rights – is that form. My central argument ... is that democracy – by assigning equal rights of speech, association, and suffrage to all – offers the greatest potential for promoting justice and protecting human dignity, without making God responsible for injustice or degradation of human beings. A fundamental Qur'anic idea is that God vested all of humanity with a kind of divinity by making every person the viceroy of God on this earth.... By assigning equal political rights to all adults, democracy expresses that special status of human being in God's creation and enables them to discharge that responsibility.<sup>4</sup>

You have now seen the essence of el Fadl's line of argument. The rest is development, in which he tries to defend some of the claims made above, and answer possible objections. The first obvious objection is that democracies often have unjust laws. So, why claim that Islam's central commitment to justice supports democracy as a favorable form of social organization? El Fadl is of course familiar with the failings of democracies, but he nevertheless persists:

...To be sure, democracy does not ensure justice. But it does establish a basis for pursuing justice and thus for fulfilling a fundamental responsibility assigned by God to each one of us. ... A democratic system makes ... authorities accountable

---

<sup>3</sup>Pages 4 and 5.

<sup>4</sup>Pages 5 and 6. The parenthetical references in the quotation are to verses in the Qur'an. The citation style for such verses is to give first the chapter or "book" number, and then the verse number within that book. Remember, el Fadl is assuming an Islamic framework, in which the Qur'an is taken to be the actual words of God, and must therefore be seen as completely correct.

to all and thus resists the tendency of the powerful to render themselves immune from judgment. This requirement of accountability is consistent with the imperative of justice in Islam. If a political system has no institutional mechanisms to call the unjust to account, then the system itself is unjust...<sup>5</sup>

Then he returns to the main objection that Islamist fundamentalists are bound to raise: democracy puts people in charge, while in a properly organized Muslim society, God should be the one in charge. When God is in charge, we have a theocracy, not a democracy. In particular, since God has given us a written account of shari'ah law, we should use that law, and not let people make up their own laws. Then God will be in charge. El Fadl's response to this objection is subtle and makes several points – among them, you will notice that he jabs hard at the fundamentalist position when he notes that in actual practice a theocracy turns into the autocratic rule of those who somehow get themselves into the position to speak for what God wills and what shari'ah law requires:

[But] how can the higher law of Shari'ah, founded on God's sovereignty, be reconciled with the democratic idea that the people, as the sovereign, can be free to flout Shari'ah law?

...[W]hen it comes to the laws in a political system, arguments claiming that God is the sole legislator endorse a fatal fiction that is indefensible from the point of view of Islamic theology. Such arguments pretend that some human agents have perfect access to God's will, and that human beings could become the perfect executors of the divine will without inserting their own human judgments and inclinations in the process.

Moreover, claims about God's sovereignty assume that the divine legislative will seeks to regulate all human interactions, that Shari'ah is a complete moral code that prescribes for every eventuality. But perhaps God ... leaves human beings considerable latitude in regulating their own affairs as long as they observe certain minimal standards of moral conduct, including the preservation and promotion of human dignity and well-being. ...

When human beings search for ways to approximate God's beauty and justice, then, they do not deny God's sovereignty; they honor it. ... If we say that the only legitimate source of law is the divine text and that human experience and intellect are irrelevant to the pursuit of the divine will, then divine sovereignty will always stand as an instrument of authoritarianism and an obstacle to democracy. But that authoritarian view denigrates God's sovereignty.<sup>6</sup>

Next, I include more development of the positive side of el Fadl's argument in favor of democracy. He picks up on three main ideas – God desires humans promote justice, God

---

<sup>5</sup>Page 6.

<sup>6</sup>Pages 7 - 9.

has assigned humans the task of acting on His behalf on earth (what el Fadl refers to as the “viceregency” of humans), and God desires that in promoting justice people should be “merciful” which el Fadl takes to mean that people are to respect the value of others and promote human dignity:

[p21] Suppose...that we accept the primacy of justice in the Qur’anic discourse, the notion of human viceregency, and the idea that the duty to foster justice has been assigned to humanity at large. A reasonable conclusion would be that the value of justice ought to control and guide all efforts at interpreting and understanding divine law. This requires a serious paradigm shift in Islamic thinking. In my view, justice is a divine imperative and represents the sovereignty of the divine.<sup>7</sup>

The divine mandate for a Muslim polity is to pursue justice by adhering to the need for mercy. ... Human beings need to cooperate in seeking the good and the beautiful, and do so by engaging in a purposeful moral discourse. Implementing legalistic rules, even if such rules are the product of an interpretation of divine texts, is not sufficient for mercy – genuine perception of the other – or, ultimately, for justice.

So, principles of mercy and justice are the primary divine charge, and God’s sovereignty lies in the fact that God is the authority that delegated to human beings the task of achieving justice on earth by fulfilling the virtues that approximate divinity. This conception of divine sovereignty does not negate human agency by requiring a mechanical enforcement of rules.<sup>8</sup>

Moreover, the Qur’an does not differentiate between the sanctity of a Muslim and that of a non-Muslim. As the Qur’an repeatedly asserts, no human being can limit the divine mercy in any way or even regulate who is entitled to it (2:105, 3:74, 35:2, 38:9, 39:38, 40:7, 43:32). I take this to mean that non-Muslims as well as Muslims can be the recipients and givers of divine mercy. The measure of moral virtue on this earth is a person’s proximity to divinity through justice, and not a religious label.<sup>9</sup>

A case for democracy present from within Islam must accept the idea of God’s sovereignty; it cannot substitute popular sovereignty for divine sovereignty but must instead show how popular sovereignty...expresses God’s authority, properly

---

<sup>7</sup>Page 21.

<sup>8</sup>Page 22.

<sup>9</sup>Page 29.

understood. Similarly, it cannot reject the idea that God's law is given prior to human action but must show how democratic lawmaking respects that priority.<sup>10</sup>

In short, el Fadl claims that the real way to honor God's sovereignty on earth is to take the responsibility He has given to people to promote justice and show mercy, and the best chance for people to do that is to set up a democratic society in which Muslims and non-Muslims can play a role in seeking how to deal with social problems. However, this argument leaves untouched the Islamic fundamentalist claim that God has given us the shari'ah law, and so we don't need to ask people to set up anything. We can just enact shari'ah and be done with it. El Fadl has to say something more to respond to that fundamentalist claim. His position on this point sets him in direct confrontation to the literalists who think they can just lift a set of laws from the Islamic sacred literature and institute them here and now as the laws ordained by God:

Building upon [Muslim] intellectual heritage, I would suggest that Shari'ah ought to stand in an Islamic polity as a symbolic construct for the divine perfection that is unreachable by human effort. ... Shari'ah as conceived by God is flawless, but as understood by human beings is imperfect and contingent. ... [In the hands of people] Shari'ah is ... a set of principles, a methodology, and a discursive process that searches for divine ideals.<sup>11</sup>

Of course, the most formidable challenge to this position is the argument that God and His Prophet have set out clear legal injunctions that cannot be ignored. Arguable, God provided unambiguous laws precisely because God wished to limit the role of human agency [p35] and foreclose the possibility of innovations. But ... regardless of how clear and precise the statement of the Qur'an and [the hadiths] are, the meaning derived from these sources is negotiated through human agency. For example, the Qur'an states: "As to the thief, male or female, cut off their hands as a recompense for that which they committed, a punishment from God..." (5:38). Although the legal import of this verse seems clear, it requires at a minimum that human agents struggle with the meaning of "thief", "cut off", "hands", and "recompense". The Qur'an uses the expression *iqta'u*, from the root word *qata'a*, which could mean to sever or cut off but could also mean to deal firmly, to bring to an end, to restrain, or to distance oneself. Whatever the meaning derived from the text, can the human interpreter claim with certainty that the determination reached is identical to God's? ... This does not mean that the exploration of God's law is pointless; it means only that the interpretations of jurists are potential fulfillments of the divine will, but the laws as codified and implemented by the state cannot be considered the actual fulfillment of these potentialities.<sup>12</sup>

---

<sup>10</sup>Page 30.

<sup>11</sup>Pages 33 and 34.

<sup>12</sup>Pages 34 and 35.

All laws articulated and applied in a state are thoroughly human and should be treated as such. ... A code, even if inspired by Shari'ah, is not Shari'ah.<sup>13</sup>

Supposing now that he has dealt adequately with the objections to his view, he provides us with a summary and a little twist at the end:

According to this paradigm, democracy is an appropriate system for Islam because it both expresses the special worth of human beings – the status of viceregency – and at the same time deprives the state of any pretense of divinity by locating ultimate authority in the hands of the people rather than the ulema [i.e., the Islamic clerics]. Moral educators have a serious role to play because they must be vigilant in urging society to approximate God. ... And in the worst case – if the majority is not persuaded by the ulema, if the majority insists on turning away from God but still respects the fundamental rights of individuals...– those individuals who constituted the majority will still have to answer, in the Hereafter, to God.<sup>14</sup>

This reading from el Fadl illustrates the battle within Islam for a vision of the future, as Muslim countries move out of the shadow of past colonial rule and seek to establish their own national identities. We see clearly here how difficult it will be for Muslims to determine what Islam has to say about the modern nation-state and how it should be governed. The answers that finally emerge within the Muslim communities may well affect the future of civilization, as events of the last few years suggest.

---

<sup>13</sup>Page 36. Here, el Fadl is assuming the real shari'ah is the true intent of God for how we should live.

<sup>14</sup>Page 36.